

**Brief to the NLRB, Washington, DC
Appeal Board**

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**The Tucson Hacks Association Formally Requests a Review
Of the Ruling in Case #28-RC-106979**

AAA TRANSPORTATION/YELLOW CAB

Case 28-RC-106979

Employer

and

TUCSON HACKS ASSOCIATION

Petitioner

Our official disagreement with the ruling involves the finding that Christopher Kroh's entrepreneurial rights were absolutely violated, but that was not proven in the case of any other Drivers. Wow, if the exhibit evidence was read and that testimony of Mr. Kroh was interpreted correctly, it should've been VERY obvious in our opinion that the "All Cabs Dispatch Service" that Mr. Kroh started, was for all drivers at AAA Transportation who wanted to be involved, I am absolutely astounded that taking away an option for other Drivers to take advantage of if they so chose by terminating Mr. Kroh's contract is absolutely a violation of other Driver's entrepreneurial rights! Could this have been done because they saw Kroh's service as a threat to the pool of available Drivers to cover their voucher runs? Logical assumption for the little guy only I guess.

Secondly, the conclusion that AAA Transportation ended their control of the "Airport Special Rates" in January of 2013 is absolutely a lie. We believe that their testimony was that they yes, the drivers did not like it, but they were unable to end it until January of 2014. GUESS WHAT? They took advertisements and posted "Airport Rates" off of the cabs during the first 10 days in July

of 2013, hmmm, about 2-3 weeks after the hearing. Could they have been trying to manipulate the outcome, I wonder!

Finally, we believe that there are many references to information in this ruling that we believe were not even presented during the hearing ! Isn't this case supposed to be about this trial and what was presented there?

I'm sorry, I'm using little guy thinking and not a business man's, but it just seems absolutely impossible to me that they accept this voucher business from the MTBA to give Drivers more opportunity for business at a significantly reduced rate out of the goodness of the hearts. I mean we did prove that the MTBA is owned by the same two corporate owners as AAA Transportation, didn't we? Forgive my little guy thinking here again. It couldn't be possible that AAA Transportation is operated at a loss to help offset the tremendous profits achieved by NEBCO Associates, Inc. DBA Medical Transportation Brokerage of Arizona on the tax side of things, could it? There is a reason that the Director of both Companies perjured himself on stand when asked why 1099's have not been filed on Drivers during the 12 years they have owned the company by saying "it's not required". I have news for the appeal board, that's not what the IRS says in any way shape or form. All that needed to be done was for Director Overstreet to have actually read IRS Regulation #1.6041-1. The "independent contractor" scam lives on and on. This scam is used nation wide for company owners to avoid paying payroll taxes, FICA, Workman's Compensation and Unemployment Insurance. Heres the problem, the guys at AAA Transportation or NEBCO Associates, Inc. take your pick are making so much money off of our own state government monies mind you, and off of the blood, sweat and tears of the Driver's by keeping them so poor that they can't even afford to pay their own taxes, their just trying to survive day to day, not lose a roof over their head, etc. etc. It becomes a trap after a while for any veteran Drivers.

In summary, we are extremely disappointed in this ruling. We are just a bunch of little guys under the control AAA Transportation and we thought we found the ONE Federal Agency that could help rectify things. In our eyes things are not so much different here. Forgive our unprofessionalism and bad attitude as non-lawyers with no money to spend on high dollar lawyers like the owners, but we thought we had a possible chance with the NLRB, but after reading the ruling we are just dumbfounded. We hope the review board will possibly see things differently after careful review.

Thank you for your time,

**Christopher Kroh
Founder & Co-Chair
Tucson Hacks Association**